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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION - ORANGE COUNTY

MATTHEW GREGORY)	Case No. 8:18-cv-00546
MCLAUGHLIN, <i>for himself and</i>)	
<i>those similarly situated;</i>)	
)	
<i>Plaintiffs,</i>)	SECOND AMENDED COMPLAINT
)	FOR DECLARATORY AND
vs.)	INJUNCTIVE RELIEF AND
)	FOR DAMAGES
KAMALA HARRIS, <i>in her individual</i>)	
<i>capacity; XAVIER BECERRA, in his</i>)	
<i>individual and official capacity as</i>)	
<i>Attorney General of California; TANI</i>)	
<i>GORRE CANTIL-SAKAUYE, in her</i>)	
<i>official capacities as Chief Justice of</i>)	
<i>the California Supreme Court and as</i>)	
<i>Chair of the Judicial Council of</i>)	
<i>California;</i>)	
)	
<i>Defendants.</i>)	
)	
)	
)	

*" And the LORD said, Because the cry of Sodom and Gomorrah is great, and
 because their sin is very grievous;" Genesis 18:20*

1. INTRODUCTORY CLAIMS

1
2 1. California's former and current state attorney generals, defendant KAMALA
3 HARRIS ("HARRIS") and defendant XAVIER BECERRA ("BECERRA"), have
4 unconstitutionally violated, and are continuing to violate, citizens' rights to petition,
5 free speech, religion, and to equality under law as guaranteed by the First Amendment
6 and Fourteenth Amendment of the US Constitution, by (1) preventing plaintiff MATT
7 MCLAUGHLIN ("MCLAUGHLIN"), and those similarly situated, from proposing
8 and circulating for signature anti-sodomy petitions in the state of California even
9 though that is a mandatory duty of their office; and (2) by perversely asserting
10 California's anti-SLAPP law (Code of Civil Procedure section 425.16) to strike down
11 and to threaten with sanctions innocent citizens such as MCLAUGHLIN who file
12 lawsuits against the attorney general after being victimized by the attorney general's
13 deliberate and malicious refusal to comply with the mandatory duties of his/her office
14 in violation of the citizens' constitutional rights.

15 2. This lawsuit seeks past and on-going damages against HARRIS and
16 BECERRA in their individual capacities for the aforesaid conduct which they should
17 have known violated MCLAUGHLIN's clearly established constitutional rights to
18 free speech, petition, religious liberty, and equality under law; and it also seeks
19 current and prospective declaratory and injunctive relief against the current attorney
20 general, BECERRA, in his official capacity, to stop him from engaging in such
21 aforesaid violations against MCLAUGHLIN, and those similarly situated, in the
22 future.

23 3. This lawsuit also seeks current and prospective declaratory and injunctive
24 relief against BECERRA, in his official capacity, to prevent him from charging
25 petitioning proponents the unreasonably excessive \$2,000 fee under Elections Code
26 section 9001, a ten-fold increase that was specifically enacted in response to
27 MCLAUGHLIN's anti-sodomy petitions with the design of erecting a hurdle that
would unreasonably burden citizens like MCLAUGHLIN in order that they be

1 prevented and deterred from engaging in their petitioning rights, in violation of,
2 *inter alia*, the 1st and 14th Amendments of the United States Constitution.

3 4. This lawsuit also seeks declaratory and injunctive relief against TANI GORRE
4 CANTIL-SAKAUYE (“SAKAUYE”) in her official capacities as both the Chief
5 Judge of the California Supreme Court and as the Chair of the Judicial Council of
6 California, to stop their practice of permitting so-called “unpublished” opinions
7 against Bible-Christians like MCLAUGHLIN who are deprived of their petitioning
8 rights, meaning such court decisions may be whimsically ignored when the court
9 wishes in identical future cases to rule favourably for leftist litigants without having to
10 explain or account for its departure from what it decided against MCLAUGHLIN in
11 the “unpublished” opinion, and therefore the judge’s legal interpretation can be
12 unfairly rendered against one unfortunate Bible-Christian litigant only, thus he
13 becomes the recipient of unequal treatment under the law in violation of the
14 Fourteenth Amendment of the US Constitution, and in violation of the guarantee
15 clause of Article IV section 4 that requires a Republican form of government in each
16 state.

16 5. Plaintiff McLaughlin did not invent the idea that sodomites deserve death, or
17 that those that those who tolerate them will suffer destruction. God did. These
18 sentiments - which were affirmed by the Lord Jesus Christ (*e.g.*, Luke 17:28-30;
19 12:49; 13:2-5;) - have been part of the unquestioned bedrock of Western
20 Civilization’s legal tradition, including traditional American law, and remained so
21 until the sudden aberrant departure therefrom over the last 25 years. Plaintiff
22 McLaughlin’s anti-sodomy petitions are in keeping with the values and beliefs of the
23 American Founding Fathers much more than those recent leftist court decisions that
24 laughably purport to make acts of sodomy and so-called marriages between sodomites
25 ‘fundamental’ rights and ‘worthy of respect’. Plaintiff McLaughlin’s anti-sodomy
26 petitioning was his political participation right to engage in the public sphere of ideas
27 as a shock that would re-calibrate the political debate which had become increasingly
hostile to Bible-Christianity and in its delusion of a universal acceptance of sodomy

1 and displayed no appreciation for the excessive levels of ‘tolerance’ that had already
 2 been extended to aggressive sex-pervert activists by long-suffering Christians who
 3 were watching their religious rights come under siege, and yet those sodomites, far
 4 from being ‘oppressed’ were actually quite fortunate, historically, to even be
 5 permitted to live.

6 **II. PARTIES**

7 **PLAINTIFF:**

8 6. Plaintiff MATTHEW GREGORY MCLAUGHLIN (“MATT
 9 MCLAUGHLIN,” or “MCLAUGHLIN,” and referred to herein in the first-person) is
 10 a U.S. citizen and resident of Orange County, California, a lawyer licensed with the
 11 California State Bar, a Bible-believing Christian, and a proponent of petitions
 12 (including the King James Bible Textbook petition of 2004 and the Sodomite
 13 Suppression Act of 2014), and he sues herein on his own behalf and on behalf of all
 14 person similarly situated and for the public benefit.

15 **DEFENDANTS:**

16 7. Defendant KAMALA HARRIS is believed to be a resident of Brentwood in
 17 Los Angeles County, is currently the junior United States Senator for California with
 18 an office in Los Angeles County, and was formerly the California Attorney General at
 19 times relevant to this complaint. It was her official duty to defend and enforce the
 20 laws of California. She is a person under 42 USC section 1983, was acting under
 21 color of law at all times relevant to this complaint, and she is sued in her individual
 22 capacity for damages for the intentional and malicious violation of my constitutional
 23 rights as described herein.

24 8. Defendant XAVIER BECERRA is believed to be a resident of Los Angeles
 25 County, and is currently the Attorney General for California with an office in Los
 26 Angeles County. It is his official duty to defend and enforce the laws of California.
 27 He is a person under 42 USC sec. 1983, was acting under color of law at all times
 relevant to this complaint, and is sued in his official capacity for declaratory and

1 injunctive relief, and is sued for damages in his individual capacity for the intentional
2 violation of my constitutional rights as described herein.

3 9. . Defendant TANI GORRE CANTIL-SAKAUYE has offices in California and
4 is sued in her official capacity as the current Chief Justice of the California Supreme
5 Court, and in her official capacity as the current Chair of the Judicial Council of
6 California. She has the power to ensure the compliance of the California Supreme
7 Court and the Judicial Council of California with the declaratory and injunctive relief
8 requested. She is a person under 42 USC sec. 1983 and was acting under color of law
9 at all times relevant to this complaint. She is sued in her official capacities for
10 declaratory and injunctive relief for her violation of the constitutional rights of
11 plaintiff, of all persons similarly situated, and for the general public.

12 10. Each Defendant, and those subject to their direction, supervision, and control,
13 has or intentionally will perform, participate in, aide and/or abet in some manner the
14 acts alleged in this complaint, has or will proximately cause the harm alleged herein,
15 and has or will continue to injure the plaintiffs irreparably if not enjoined.
16 Accordingly, the relief requested herein is sought against each Defendant, as well as
17 all persons under their supervision, direction, or control, including but not limited to
18 their officers, employees, and agents.

18 **III. JURISDICTION AND VENUE**

19 11. Plaintiff brings this action as a Federal question jurisdiction under the United
20 States Constitution, First and Fourteenth Amendments, and 42 U.S. Code § 1983,
21 1988, and 28 U.S.C. §§ 1331, 1343, 1357, and this court has jurisdiction to issue
22 appropriate injunctions and declaratory relief under 28 U.S.C. §§ 2201 and 2202.

23 12. Venue in this district is proper under 28 U.S.C. section 1391(b).

24 **IV. STATEMENT OF CLAIMS**

25 13. California's former Attorney General, HARRIS fraudulently under color of
26 law violated my right to petition under the First Amendment of the US Constitution as
27 that is regulated under California law (*e.g.*, Cal. Const., art. II, § 8; Elections Code §
9001(a); 9006(a); *etc.*). In furtherance of the exercise of my religious and political

1 rights, in February 2015 I proposed a petition entitled “The Sodomite Suppression
2 Act”. HARRIS was under a mandatory duty as the attorney general to return to me a
3 title and summary of this proposed petition so I could legally circulate it for signatures,
4 but she refused. Instead she sued me in Sacramento Superior court (over 400 miles
5 away from where I live) and obtained a default judgment that purported to relieve her
6 from her mandatory duty as to that specific petition. Immediately thereafter I
7 submitted a new and different petition called the “Sodomite Suppression Mandate”
8 which this time sought to change the state’s constitution rather just its penal code.
9 Instead of performing her mandatory duty or returning again to state court to seek
10 relief, HARRIS falsely alleged that my new proposal was identical to the first and that
11 she had discretion to reject it, and thereby she denied me my rights to petition unjustly
12 and without due process of law. HARRIS violated my rights because she allowed her
13 hatred of my religion of Bible-Christianity to illegally motivate her to discriminate
14 against me. HARRIS referred to plaintiff in insulting language to sodomite supporters
15 and meanwhile she willingly gave title and summary to another petition that
16 vindictively called MCLAUGHLIN a “Jackass” and threatened to fine him and send
him to a re-education camp.

17 14. The California Supreme Court refused to consider my mandamus petitions
18 to force HARRIS to do her job so that I could petition, and so did the California Court
19 of Appeal 3rd District to which the Supreme Court referred the matter. Therefore I
20 filed a complaint for damages against HARRIS in state court in downtown Los
21 Angeles, however before answering her office moved to strike my complaint under
22 the anti-SLAPP provisions of California’s Code of Civil Procedure section 425.16
23 that prohibit “strategic litigation against public participation.” The trial court
24 01/09/2017 granted her motion finding that my complaint against her - in which I
25 alleged she had violated *my* First Amendment rights - violated *her* First Amendment
26 rights! On 01/24/2017 BECERRA became the attorney general of California and he
27 adopted and continued the same conduct of his predecessor against MCLAUGHLIN.

1 15. The dismissal of my complaint was upheld on appeal by the California Court
2 of Appeal, 2nd District, Division 4 in an opinion that they designated as “unpublished”
3 so that it would have no precedential value or effect. I objected to this designation
4 because it creates unequal justice, allowing those liberal judges to give a conservative
5 like me unfair treatment while relieving them from having to apply such unfairness to
6 any future left-wing activists. They refused my request and forwarded it to the
7 California Supreme Court and on 4/25/2018 its chief judge, defendant SAKAUYE,
8 affirmed the decision to leave the opinion against me as “unpublished.”

9 16. I am filing this complaint in Federal Court after having exhausted my
10 attempts to litigate for my rights within the State of California’s legal system because
11 all the courts - to the highest level - have ignored my requests for relief, ignored my
12 appeals, dismissed my complaint before being heard, and affirmed the dismissal by
13 way of an unfair ‘unpublished’ opinion because they are all afraid of the political
14 backlash from sodomite activists if they deal with it forthrightly and grant me my
15 relief to which I’m entitled. Therefore the Federal Court should hear my complaint for
16 damages and declaratory relief against the defendants so that my Constitutional rights
17 are finally afforded venue for adjudication.

18 17. The current attorney general of California, Defendant BECERRA, since
19 talking office, has, under color of law, despite request continued the same aforesaid
20 unjust policies and violations of rights of the prior attorney general against my rights
21 to petition, and also by his unconstitutional use of the anti-SLAPP law as a shield
22 against citizens that sue state actors for violations of their civil rights, penalizing them
23 with exposure to the liability of paying the state’s attorney’s fees just for seeking a
24 day in court against unjust state action.

25 18. Meanwhile my anti-sodomy petitions caused such outrage in the sodomite-
26 dominated California legislature that they made it their stated intent to prevent me
27 from filing new petitions by enacting Assembly Bill 1100, sponsored by openly anti-
christian sodomite legislators Evan Low and Richard Lara (who also personally
requested that the California State Bar would disbar the plaintiff based on the content

1 of his petition), that raised the fee for proposing a petition ten-fold to \$2,000.
 2 California legislators also threatened that if my petition went forward they would
 3 expose to public intimidation anyone who dared to signed it. It became law Sept 15,
 4 2015. This fee increase is unlawful under the US and California constitutions because
 5 it is designed to discriminate against Bible-Christians of limited means from
 6 circulating their petitions since the Constitutional right to petition is regulated in
 7 California to require payment of this fee or else petitioning is not authorized
 8 (Elections code sections 9001(a); 9014; 9015 ; *etc.*). The law provides for no fee-
 9 waiver provisions for low-income citizens and the \$2000 fee is irrational in that it
 10 exceeds the minor initial administrative costs incurred by the state of California
 11 entailed in processing the first step of the petition process; and the fee is also contrary
 12 to the California Constitution, Article XIII, Section 3 because it was not passed with
 13 2/3rd majority. Defendant BECERRA as Attorney General has the duty to collect this
 14 unjust fee before low-income citizens and Bible-Christians may circulate their
 15 petitions lawfully and therefore his office should be enjoined from doing so.

16 19. Blame for establishing the rules that authorize ‘star chamber’ type court
 17 opinions that uniquely bind only certain litigants but have no general common law
 18 application lies with both the California Supreme Court and the Judicial Council of
 19 California who have, respectively, adopted and published the California Rules of
 20 Court, including those in Division 5 of Title 8 (“Publication of Appellate Opinions”).
 21 These rules are not only contrary to common law, they also violate the 14th
 22 Amendment because it establishes an unequal system of justice, and therefore the
 23 individual justices and council member defendants must be enjoined from engaging in
 24 or authorizing this unlawful conduct, must mitigate in equity the harms caused
 25 thereby, including to plaintiff and those similarly situated. The California Supreme
 26 Court’s and Judicial Council’s conduct was performed under color of law by
 27 Defendant TANI GORRE CANTIL-SAKAUYE as its Chief Justice and pursuant to
 the rules published and adopted by the Judicial Council over which she is the Chair.

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V. PRAYER FOR RELIEF

20. Plaintiff asks for:

(1) Damages, including punitive damages, against California's former attorney general Kamala Harris individually for fraudulently and maliciously, under color of law, violating my Constitutional rights to propose and circulate anti-sodomy petitions, and for using the anti-SLAPP law unfairly against me, which she reasonably knew in her personal capacity was a violation of my rights as described herein;

(2) Damages against California's current attorney general Xavier Becerra individually for continuing the unjust policy of Kamala Harris to violate my right to petition by not processing my anti-sodomy petitions, and by using the anti-SLAPP law unfairly against me, because he reasonably knew in his personal capacity that this was a violation of my rights as described herein;

(3) For a declaration of rights and injunction with equitable relief requiring attorney general Becerra in his official capacity to process the sodomite suppression infinitives I have presented to his office and to no longer file preemptive lawsuits against citizens to prevent them from seeking to circulate petitions, and for credit for the fee of \$200 I already paid and was accepted by his office to do so.

(4) For a declaration that California's Code of Civil Procedure section 425.16 (the anti-SLAPP law) is unconstitutional in its use as described herein and to permanently enjoin defendant Xavier Becerra as attorney general from using it as a one-sided shield to protect California state-actor defendants while quashing the citizens' civil rights complaints against them and subjecting the people to legal sanctions just for seeking their day in court against state actors who treated them unjustly;

(5) For a declaration that challenged portion of Cal. Elections code section 9001 as modified by Assembly Bill 1100 that raised the petition proposal fee to \$2,000 is unconstitutionally excessive and discriminatory and permanently

1 enjoining the California Attorney General from complying with its provisions;
2 and

3 (6) for a declaration that the challenged conduct and provisions of
4 California Rules of Court, including those in Division 5 of Title 8 (“Publication
5 of Appellate Opinions”) pertaining to the practice of designating certain judicial
6 opinions as “unpublished” creates a manifestly unfair, unequal, and pernicious
7 system of justice to the harm of litigants such as myself, in violation of the 14th
8 Amendment, and that defendant TANI GORRE CANTIL-SAKAUYE as the
9 Chief Judge of the California Supreme Court, and as the Chair of the Judicial
10 Council of California, be permanently enjoined from engaging in this practice
11 and that she order set-aside and vacated whatsoever State court opinions that
12 have been ordered “unpublished” since that designation impermissibly taints the
13 decisions rendered there-under since it emboldens judges to issue unfair opinions;

14 (7) For an order applying the aforesaid injunctions to all of the defendants’
15 agents, officers, and employees and for the benefit of not only MCLAUGHLIN
16 but all persons similarly situated.

17 (8) Make all further orders as are just, necessary, and proper for the
18 protection of the general public and all those similarly situated as the plaintiff.

19 (9) For costs of suit and reasonable attorney’s fees.

20 (10) Grant such other relief as the Court deems just and proper.

21 Date: January 3, 2019

22 /S/ MATT MCLAUGHLIN

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